



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

WINTER et al

Atty. Ref.: 620-3; Confirmation No. 4509

Appl. No. 08/332,046

TC/A.U. 1636

Filed: November 1, 1994

Examiner: Woodward

For: SINGLE DOMAIN LIGANDS, RECEPTORS COMPRISING SAID LIGANDS,
METHODS FOR THEIR PRODUCTION AND USE OF SAID LIGANDS AND
RECEPTORS

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APR 30 2008

OFFICE OF PETITIONS

* * * * *

April 24, 2008

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

04/25/2008 04/25/2008 08332046
04/25/2008 SZEWDIE1 00000122 08332046
01 FC:1462 -400.00 00

Sir:

RULE 182 PETITION

Grant of the present Petition and entry of the attached Amendment in the above
are requested.

The present application was filed November 1, 1994 (i.e., prior to November 29,
2000) and became abandoned by the order of July 2, 1999 and as noted in the Notice
of Abandonment dated June 7, 2002.

The undersigned is filing concurrently a Rule 78(a)(3) Petition and Amendment
in the related Application No. 10/290,233; Requests for Certificates of Correction and
Rule 182 Petitions in U.S. Patent Nos. 6,545,142 and 6,248,516; a Request for a
Certificate of Correction and Rule 78(a)(3) Petition in U.S. Patent No. 7,306,907; and an
Amendment and Rule 182 Petition in each of Application Nos. 07/796,805 and

04/25/2008 SZEWDIE1 00000122 08332046

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WINTER et al
Appl. No. 08/332,046
Atty. Ref.: 620-3
April 24, 2008
Rule 182 Petition

07/580,374, which each claim benefit of Application No. PCT/GB89/01344, through continuation Application No. 07/580,374.

In reviewing the priority claim for Application No. 10/290,233, the undersigned has now appreciated that the Patent Office records with regard to the priority claim to Application No. PCT/GB89/01344 in the present application and prior and subsequent applications is incorrect. A copy of the Filing Receipt from Application No. 08/332,046 is attached. Also attached is a copy of the PTO PALM IN APPLICATION DATA SHEET from the parent Application No. 07/580,374. A copy of the corrected Declaration filed April 15, 1993 in the parent Application No. 07/796,805 is also attached.

The undersigned has spoken with Ms Hicks, formerly of the Patent Office, in a previous unrelated matter with similar circumstances and Ms Hicks directed the undersigned to the following passage from the Patent Office web site (<http://www.uspto.gov/web/offices/dcom/olia/aipa/18monthfaq.htm#cx4>):

CX14. Can applicant add a benefit claim of a prior-filed non-provisional application in a later-filed copending application that has been abandoned without filing a petition to revive the later-filed application? (added 4Feb2005)

Yes, a petition to revive the later-filed application is not required when applicant is adding a benefit claim by filing an amendment (or an application data sheet) to add the specific reference of the prior-filed non-provisional application. A petition under 37 CFR 1.78(a)(3), however, is required if the later-filed application is a utility or plant application filed on or after November 29, 2000. If the later-filed application is a utility or plant application filed before November 29, 2000, a petition under 37 CFR 1.182 is required.

WINTER et al
Appl. No. 08/332,046
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More recently, the undersigned spoke with Mr. Tony Knight of the USPTO Petitions Branch, on March 6, 2008, to confirm that the present Petition and attached Amendment should be sufficient to correct the Patent Office records with regard to the priority claim and relation to the PCT application.

The attached Amendment and present Petition are being filed based on the above and, to the extent applicable, *Sampson v. Commissioner*, 195 USPQ 136 (D.D.C. 1976).

The Rule 17(f) fee is being filed herewith (code 1462 - \$400).

Correction of the Patent Office records with regard to the applicants claim for priority benefit, entry of the attached Amendment, and issuance of a Corrected Filing Receipt in the above, are requested.

The Office is requested to contact the undersigned in the event anything further is required in this regard.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /B. J. Sadoff/
 B. J. Sadoff
 Reg. No. 36,663

BJS:pp
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

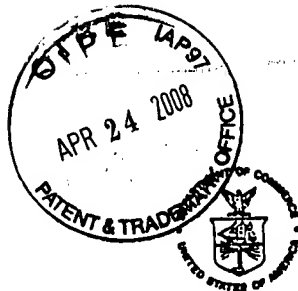
Attached:
Transmittal Letter with charge authorization,
Amendment,
copy of the Filing Receipt from Application No. 08/332,046,

WINTER et al
Appl. No. 08/332,046
Atty. Ref.: 620-3
April 24, 2008
Rule 182 Petition

copy of the PTO PALM IN APPLICATION DATA SHEET from the parent Application
No. 07/580,374,
copy of the corrected Declaration filed April 15, 1993 in the parent Application No.
07/796,805, and
Rule 17(f) fee (code 1462 - \$400).

PTO-103X
(Rev. 7-83)

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

620-3
ARC/TEB

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
08/332,046	11/01/94	1805	\$972.00	620-3	23	31	1

NIXON & VANDERHYE
1100 NORTH GLEBE ROAD
8TH FLOOR
ARLINGTON VA 22201

Receipt is acknowledged of this patent application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

GREGORY P. WINTER, CAMBRIDGE, UNITED KINGDOM;
ELIZABETH S. WARD, CAMBRIDGE, UNITED KINGDOM; DETLEF
GUSSOW, CAMBRIDGE, UNITED KINGDOM.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A CON OF 07/796,805 11/25/91
WHICH IS A DIV OF 07/580,374 09/11/90 ABN

292-74

FOREIGN/PCT APPLICATIONS-GREAT BRITAIN	8826444.5	11/11/88
GREAT BRITAIN	8906034.7	03/16/89
GREAT BRITAIN	8909217.5	04/22/89
GREAT BRITAIN	8911047.2	05/15/89
GREAT BRITAIN	8912652.8	06/02/89
GREAT BRITAIN	8913900.0	06/16/89
GREAT BRITAIN	8918543.3	08/15/89
PCT	PCT/GB89/01344	11/13/89

TITLE
SINGLE DOMAIN LIGANDS, RECEPTORS COMPRISING SAID LIGANDS, METHODS FOR
THEIR PRODUCTION AND USE OF SAID LIGANDS AND RECEPTORS

PRELIMINARY CLASS: 435

(see reverse)

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
07/796,805	11/25/91	1807	\$ 930.00	292-59	23	32	4

NIXON & VANDERHYE
ARTHUR R. CRAWFORD
2200 CLARENDON BLVD., 14TH FL.
ARLINGTON, VA 22201

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OFFICE OF PETITIONS

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GUSSOW, CAMBRIDGE, UNITED KINGDOM.

CONTINUING DATA AS CLAIMED BY APPLICANT-
THIS APPLN IS A DIV OF 07/580,374 09/11/90

FOREIGN/PCT APPLICATIONS-UNITED KINGDOM	8826444.5	11/10/88
UNITED KINGDOM	8906034.7	03/10/89
UNITED KINGDOM	8909217.5	04/22/89
UNITED KINGDOM	8911047.2	05/15/89
UNITED KINGDOM	8912652.8	06/02/89
UNITED KINGDOM	8913900.0	06/16/89
UNITED KINGDOM	8918543.3	08/15/89

TITLE
SINGLE DOMAIN LIGANDS, RECEPTORS COMPRISING SAID LIGANDS, METHODS FOR

(see reverse)



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620-3

Nixon & Vanderhye P.C. (6/92)

RULE 63 (37 C.F.R. 1.63)
DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SINGLE DOMAIN LIGANDS, RECEPTORS COMPRISING SAID LIGANDS, METHODS FOR THEIR PRODUCTION AND USE OF SAID LIGANDS AND RECEPTORS
the specification of which (check applicable box(es)):

☐ is attached hereto.

☒ was filed on November 25, 1991 as U.S. Application Serial No. 07/796,805

☐ was filed as PCT international application No. PCT/_____ on _____

and (if applicable to U.S. or PCT application) was amended on _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. 1.56(a). I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Prior Foreign Application(s):

Application Number	Country	Day/Month/Year Filed
<u>8826444.5</u>	<u>United Kingdom</u>	<u>11 November 1988</u>
<u>8906034.7</u>	<u>United Kingdom</u>	<u>16 March 1989</u>
<u>8909217.5</u>	<u>United Kingdom</u>	<u>22 April 1989</u>
<u>8911047.2</u>	<u>United Kingdom</u>	<u>15 May 1989</u>
<u>8912652.8</u>	<u>United Kingdom</u>	<u>2 June 1989</u>
<u>8913900.0</u>	<u>United Kingdom</u>	<u>16 June 1989</u>
<u>8918543.3</u>	<u>United Kingdom</u>	<u>15 August 1989</u>

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. 1.56(a) which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

Prior U.S./PCT Application(s):

Application Serial No.	Day/Month/Year Filed	Status: patented, pending, abandoned
<u>07/580,374</u>	<u>11 September 1990</u>	<u>Abandoned (Pending as of filing date of SN 07/796,805)</u>
<u>PCT/GB89/01344</u>	<u>13 November 1989</u>	<u>Abandoned</u>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint NIXON & VANDERHYE P.C., 1100 North Glebe Rd., 8th Floor, Arlington, VA 22201-4714, telephone number (703) 816-4000 (to whom all communications are to be directed), and the following attorneys thereof (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent: Arthur R. Crawford, 25327; Larry S. Nixon, 25640; Robert A. Vanderhye, 27076; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besha, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan B. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Paul J. Renon, 33626; Jeffry E. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnan, Jr., 29366; Thomas E. Byrne, 32205.

1) Inventor's Signature G.P. Winter Date 4/3/93
Inventor's Name (typed) Gregory P. WINTER British
First Middle Initial Family Name Citizenship
Residence (City) Cambridge (State/Foreign Country) England
Post Office Address 64 Cavendish Avenue, Cambridge Zip Code CB1 4UT

2) Inventor's Signature Elizabeth S. Ward Date 12/3/93
Inventor's Name (typed) Elizabeth S. WARD British
First Middle Initial Family Name Citizenship
Residence (City) DALLAS (State/Foreign Country) TEXAS, USA
Post Office Address 12856 NOEL RD, FRT 2099 Zip Code 75230

FOR ADDITIONAL INVENTORS, check box ☐ and attach sheet with same information and signature and date for each.



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620-3

Nixon & Vanderhye P.C. (6/92)



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FOR PATENT APPLICATION

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☐ is attached hereto.

☒ was filed on November 25, 1991 as U.S. Application Serial No. 07/796,805

☐ was filed as PCT international application No. PCT/ on _____ and (if applicable to U.S. or PCT application) was amended on _____

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3) Inventor's Signature [Signature] Date 4.3.93
Inventor's Name (typed) Detlef GUSSOW German
First Middle Initial Family Name Citizenship
Residence (City) LONDON (State/Foreign Country) ENGLAND
Post Office Address 17 FROGNAL LANE, LONDON Zip Code NW3 7DG

4) Inventor's Signature _____ Date _____
Inventor's Name (typed) _____
First Middle Initial Family Name Citizenship
Residence (City) _____ (State/Foreign Country) _____
Post Office Address _____ Zip Code _____

FOR ADDITIONAL INVENTORS, check box 11 and attach sheet with same information and signature and date for each.

